

## **REMARKS**

Applicants note that the subject Amendment assumes that the Amendment After Final Under 37 CFR 1.116 filed on March 5, 2008 has been entered. The claims and claim designations of the subject Amendment thus reflect such entry.

Claims 22-26 have been added. The claims fee of \$880.00 for the added claims is being paid by Electronic Funds Transfer. Please charge any additional claims or other fees for entry of this Amendment to our Deposit Account 03-3415.

Added dependent claims 22 and 23 further recite an arranging step in which the extracted images extracted from the extraction step are arranged based on a parameter different from the evaluations. This feature further differentiates added claims 22 and 23 from Atkins, et al. patent.

More particularly, as previously stated in the Amendment After Final, applicants' claim 1 recites that "evaluations", i.e., values set for a plurality of images by a user and designating rating scores of the plurality of images by the user, are used as a parameter for extracting a set of images from a plurality of images. As also mentioned in the Amendment After Final, the extracted images can then be arranged in an order based on parameters or attributes different from the evaluations, as for example by their "shooting dates or chronological order". This arranging is now clearly recited in added claims 22 and 23 and, as mentioned above, further differentiates these claims from the Atkins, et al. patent.

Specifically, in the Atkins et al. patent, images can be organized by their shooting dates (meta data). Thus, the "organizing" operation disclosed in Atkins et al. corresponds to the "arranging" operation recited in claims 22 and 23. However, the Examiner cites column 4, lines 30-38, of the Atkins, et al. patent as disclosing the extracting of images recited in

applicants' claim 1. This passage in the Atkins, et al. patent states that the user "selects a set of images, wherein the meta data is associated with each image." Thus, the Examiner appears to be arguing that the "extracting" operation in the Atkins, et al. patent is based on meta data (e.g., shooting dates) and, therefore, that it corresponds to the "organizing" operation, thereby equating the "organizing" operation in the Atkins, et al. patent to the "extracting" operation in applicants' claim 1.

However, added claims 22 and 23 now clearly distinguish the "extracting" operation from the "arranging" or "organizing" operation by setting a different parameter for each operation. Specifically "the evaluations" are used in effecting the extracting operation and "a parameter different from the evaluations" (e.g., "chronological order") is used for effecting the arranging operation.

Therefore, added claims 22 and 23 further clarify the present invention over the Atkins et al. patent and further patentably distinguish over this patent.


Added independent Claim 24 includes the features of claims 1, 7, 21 and 22 and added independent claims 25 and 26 include like features as added independent claim 24. These added claims thus patentably distinguish over the cited Atkins, et al. reference for the same reasons discussed in the Amendment After Final and for the further reasons discussed above.

In view of above, applicants' claims, as amended, patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested.

Dated: May 1, 2008

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.  
1133 Avenue of the Americas  
New York, New York 10036  
T (212) 790-9200

  
John J. Torrente  
Reg. No. 26,359  
Attorney of Record